

AMENDED IN SENATE JANUARY 10, 2011

**Senate Constitutional Amendment**

**No. 2**

**Introduced by Senator Wyland  
(Principal coauthor: Senator Emmerson)**

December 6, 2010

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Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3, 8, 10, and 12 of Article IV thereof, relating to legislative sessions.

LEGISLATIVE COUNSEL'S DIGEST

SCA 2, as amended, Wyland. Revised biennial session.

(1) The California Constitution requires the Legislature to convene in regular biennial session at noon on the first Monday in December of each even-numbered year to consider legislation and the Budget Bill.

This measure would require the Legislature to convene in regular biennial session, but would require, commencing on December 3, 2012, that the sessions held in odd-numbered years be budget sessions, and sessions held in even-numbered years be general sessions. The measure would require the Legislature in the budget session to adopt Budget Bills for each of the 2 subsequent fiscal years. The measure would require the Legislature, during a budget session, to meet only to conduct oversight and review of the revenues and expenditures of the state, *to examine state incentives for economic growth and job creation*, and to consider Budget Bills, budget implementation bills, as defined, and related revenue bills, except the Legislature could consider urgency statutes.

(2) The California Constitution requires that a budget be submitted by the Governor, and that the Legislature pass a Budget Act on or before

June 15. Funds may be expended from the State Treasury for support of the state government only through an appropriation made by ~~the Legislature~~ law.

This measure would require, in each odd-numbered calendar year, commencing in 2013, that the Governor submit to the Legislature 2 proposed budgets for the 2 subsequent fiscal years, respectively.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

1     *Resolved by the Senate, the Assembly concurring,* That the  
2     Legislature of the State of California at its 2011–12 Regular  
3     Session commencing on the sixth day of December 2010,  
4     two-thirds of the membership of each house concurring, hereby  
5     proposes to the people of the State of California that the  
6     Constitution of the State be amended as follows:

7     First—That Section 3 of Article IV thereof is amended to read:

8     SEC. 3. (a) The Legislature shall convene in regular session  
9     at noon on the first Monday in December of each even-numbered  
10    year and each house shall immediately organize. Each session of  
11    the Legislature shall adjourn sine die by operation of the  
12    Constitution at midnight on November 30 of the following  
13    even-numbered year.

14    (b) On extraordinary occasions the Governor by proclamation  
15    may cause the Legislature to assemble in special session. When  
16    so assembled it has power to legislate only on subjects specified  
17    in the proclamation but may provide for expenses and other matters  
18    incidental to the session.

19    (c) This section does not apply to any legislative session  
20    commencing on or after December 3, 2012. This section shall  
21    remain in effect until December 3, 2012, and as of that date is  
22    repealed. Section 3 of Article IV, as added by the measure that  
23    added this subdivision, shall apply to legislative sessions  
24    commencing on or after December 3, 2012.

25    Second—That Section 3 is added to Article IV thereof, to read:

26    SEC. 3. (a) The Legislature shall convene in biennial regular  
27    session at noon on the first Monday in December of each  
28    even-numbered year and each house shall immediately organize.  
29    Each regular session of the Legislature shall adjourn sine die by  
30    operation of the Constitution at midnight on November 30 of the  
31    following even-numbered year.

(b) Odd-numbered years of the biennial regular session, together with the immediately preceding December upon organization of each house, shall be known as budget sessions. In a budget session, the Legislature shall meet only to conduct oversight and review of the revenues and expenditures of the State, *to examine the extent to which the State provides incentives for economic investment and job creation*, and to consider ~~only~~ budget bills and budget implementation bills for the succeeding two fiscal years, and revenue bills necessary therefor, except that the Legislature may consider a bill to enact an urgency statute ~~that satisfies paragraphs (1) and (2) of as provided in~~ subdivision (d) of Section 8.

(c) Even-numbered years of the biennial regular session shall be known as general sessions, during which any legislation may be considered.

(d) On extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session. When so assembled, the Legislature shall have power to legislate only on subjects specified in the proclamation, but may provide for expenses and other matters incidental to the session.

(e) For purposes of this section, “budget implementation bill” means a bill that is identified in a statute enacting a budget bill as containing only changes in law necessary to implement the budget bill.

Third—That Section 8 of Article IV thereof is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three-fourths of the membership concurring.

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on three days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two-thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the Members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3), a statute enacted at a regular session shall go into effect on January 1 next

1 following a 90-day period from the date of enactment of the statute  
2 and a statute enacted at a special session shall go into effect on the  
3 91st day after adjournment of the special session at which the bill  
4 was passed.

5 (2) A statute enacted by a bill passed by the Legislature on or  
6 before the date the Legislature adjourns for a joint recess to  
7 reconvene in the second calendar year of the biennium of the  
8 legislative session, and in the possession of the Governor after that  
9 date, shall go into effect on January 1 next following the enactment  
10 date of the statute unless, before January 1, a copy of a referendum  
11 petition affecting the statute is submitted to the Attorney General  
12 pursuant to subdivision (d) of Section 10 of Article II, in which  
13 event the statute shall go into effect on the 91st day after the  
14 enactment date unless the petition has been presented to the  
15 Secretary of State pursuant to subdivision (b) of Section 9 of  
16 Article II.

17 (3) Statutes calling elections, statutes providing for tax levies  
18 or appropriations for the usual current expenses of the State, and  
19 urgency statutes shall go into effect immediately upon their  
20 enactment.

21 (d) Urgency statutes are those necessary for immediate  
22 preservation of the public peace, health, or safety. A statement of  
23 facts constituting the necessity shall be set forth in one section of  
24 the bill. In each house the section and the bill shall be passed  
25 separately, each by rollcall vote entered in the journal, two-thirds  
26 of the membership concurring. An urgency statute may not create  
27 or abolish any office or change the salary, term, or duties of any  
28 office, or grant any franchise or special privilege, or create any  
29 vested right or interest.

30 (e) This section does not apply to any legislative session  
31 commencing on or after December 3, 2012. This section shall  
32 remain in effect until December 3, 2012, and as of that date is  
33 repealed. Section 8 of Article IV, as added by the measure that  
34 added this subdivision, shall apply to legislative sessions  
35 commencing on or after December 3, 2012.

36 Fourth—That Section 8 is added to Article IV thereof, to read:

37 SEC. 8. (a) At a general session no bill may be heard or acted  
38 on by committee or either house until the 31st day after the bill is  
39 introduced unless the house dispenses with this requirement by

1 rollcall vote entered in the journal, three-fourths of the membership  
2 concurring.

3 (b) The Legislature may make no law except by statute and may  
4 enact no statute except by bill. No bill may be passed unless it is  
5 read by title on three days in each house except that the house may  
6 dispense with this requirement by rollcall vote entered in the  
7 journal, two-thirds of the membership concurring. No bill may be  
8 passed until the bill with amendments has been printed and  
9 distributed to the Members. No bill may be passed unless, by  
10 rollcall vote entered in the journal, a majority of the membership  
11 of each house concurs.

12 (c) (1) Except as provided in paragraph (2), a statute enacted  
13 at a regular session shall go into effect on January 1 next following  
14 a 90-day period from the date of enactment of the statute and a  
15 statute enacted at a special session shall go into effect on the 91st  
16 day after adjournment of the special session at which the bill was  
17 passed.

18 (2) Statutes calling elections, statutes providing for tax levies  
19 or appropriations for the usual current expenses of the State, and  
20 urgency statutes shall go into effect immediately upon their  
21 enactment.

22 (d) Urgency statutes are those necessary for immediate  
23 preservation of the public peace, health, or safety. A statement of  
24 facts constituting the necessity shall be set forth in one section of  
25 the bill. In each house, the section and the bill shall be passed  
26 separately, each by rollcall vote entered in the journal, two-thirds  
27 of the membership concurring. An urgency statute may not create  
28 or abolish any office, change the salary, term, or duties of any  
29 office, grant any franchise or special privilege, or create any vested  
30 right or interest.

31 Fifth—That Section 10 of Article IV thereof is amended to read:

32 SEC. 10. (a) Each bill passed by the Legislature shall be  
33 presented to the Governor. It becomes a statute if it is signed by  
34 the Governor. The Governor may veto it by returning it with any  
35 objections to the house of origin, which shall enter the objections  
36 in the journal and proceed to reconsider it. If each house then  
37 passes the bill by rollcall vote entered in the journal, two-thirds of  
38 the membership concurring, it becomes a statute.

39 (b) (1) Any bill, ~~other than a bill which would establish or~~  
40 ~~change boundaries of any legislative, congressional, or other~~

1 ~~election district~~, passed by the Legislature on or before the date  
2 the Legislature adjourns for a joint recess to reconvene in the  
3 second calendar year of the biennium of the legislative session,  
4 and in the possession of the Governor after that date, that is not  
5 returned within 30 days after that date becomes a statute.

6 (2) Any bill passed by the Legislature before September 1 of  
7 the second calendar year of the biennium of the legislative session  
8 and in the possession of the Governor on or after September 1 that  
9 is not returned on or before September 30 of that year becomes a  
10 statute.

11 (3) Any other bill presented to the Governor that is not returned  
12 within 12 days becomes a statute.

13 (4) If the Legislature by adjournment of a special session  
14 prevents the return of a bill with the veto message, the bill becomes  
15 a statute unless the Governor vetoes the bill within 12 days after  
16 it is presented by depositing it and the veto message in the office  
17 of the Secretary of State.

18 (5) If the 12th day of the period within which the Governor is  
19 required to perform an act pursuant to paragraph (3) or (4) is a  
20 Saturday, Sunday, or holiday, the period is extended to the next  
21 day that is not a Saturday, Sunday, or holiday.

22 (c) Any bill introduced during the first year of the biennium of  
23 the legislative session that has not been passed by the house of  
24 origin by January 31 of the second calendar year of the biennium  
25 may no longer be acted on by the house. No bill may be passed  
26 by either house on or after September 1 of an even-numbered year  
27 except statutes calling elections, statutes providing for tax levies  
28 or appropriations for the usual current expenses of the State, and  
29 urgency statutes, and bills passed after being vetoed by the  
30 Governor.

31 (d) The Legislature may not present any bill to the Governor  
32 after November 15 of the second calendar year of the biennium of  
33 the legislative session.

34 (e) The Governor may reduce or eliminate one or more items  
35 of appropriation while approving other portions of a bill. The  
36 Governor shall append to the bill a statement of the items reduced  
37 or eliminated with the reasons for the action. The Governor shall  
38 transmit to the house originating the bill a copy of the statement  
39 and reasons. Items reduced or eliminated shall be separately

1 reconsidered and may be passed over the Governor's veto in the  
2 same manner as bills.

3 (f) (1) If, following the enactment of the budget bill for the  
4 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, 2009–10,  
5 2010–11, 2011–12, or 2012–13 fiscal year, the Governor  
6 determines that, for that fiscal year, General Fund revenues will  
7 decline substantially below the estimate of General Fund revenues  
8 upon which the budget bill for that fiscal year, as enacted, was  
9 based, or General Fund expenditures will increase substantially  
10 above that estimate of General Fund revenues, or both, the  
11 Governor may issue a proclamation declaring a fiscal emergency  
12 and shall thereupon cause the Legislature to assemble in special  
13 session for this purpose. The proclamation shall identify the nature  
14 of the fiscal emergency and shall be submitted by the Governor  
15 to the Legislature, accompanied by proposed legislation to address  
16 the fiscal emergency.

17 (2) If the Legislature fails to pass and send to the Governor a  
18 bill or bills to address the fiscal emergency by the 45th day  
19 following the issuance of the proclamation, the Legislature may  
20 not act on any other bill, nor may the Legislature adjourn for a  
21 joint recess, until that bill or those bills have been passed and sent  
22 to the Governor.

23 (3) A bill addressing the fiscal emergency declared pursuant to  
24 this section shall contain a statement to that effect.

25 (g) (1) This section does not apply to any legislative session  
26 commencing on or after December 3, 2012. This section shall no  
27 longer be operative as of December 3, 2012, and as of July 1, 2013,  
28 is repealed. Section 10 of Article IV, as added by the measure that  
29 added this subdivision, shall apply to legislative sessions  
30 commencing on or after December 3, 2012.

31 (2) Notwithstanding paragraph (1), subdivision (f) shall remain  
32 in effect until July 1, 2013.

33 Sixth—That Section 10 is added to Article IV thereof, to read:

34 SEC. 10. (a) Each bill passed by the Legislature shall be  
35 presented to the Governor. It becomes a statute if it is signed by  
36 the Governor. The Governor may veto it by returning it with any  
37 objections to the house of origin, which shall enter the objections  
38 in the journal and proceed to reconsider it. If each house then  
39 passes the bill by rollcall vote entered in the journal, two-thirds of  
40 the membership concurring, it becomes a statute.

1 (b) (1) Any bill passed by the Legislature in a budget session  
2 or general session before September 1 and in the possession of the  
3 Governor on or after September 1 that is not returned on or before  
4 September 30 of that year becomes a statute.

5 (2) Any other bill presented to the Governor that is not returned  
6 within 12 days becomes a statute.

7 (3) If the Legislature by adjournment of a special session  
8 prevents the return of a bill with the veto message, the bill becomes  
9 a statute unless the Governor vetoes the bill within 12 days after  
10 it is presented by depositing it and the veto message in the office  
11 of the Secretary of State.

12 (4) If the 12th day of the period within which the Governor is  
13 required to perform an act pursuant to paragraph (2) or (3) is a  
14 Saturday, Sunday, or holiday, the period is extended to the next  
15 day that is not a Saturday, Sunday, or holiday.

16 (c) No bill may be passed by either house on or after September  
17 1 of a general session except statutes calling elections, statutes  
18 providing for tax levies or appropriations for the usual current  
19 expenses of the State, and urgency statutes, and bills passed after  
20 being vetoed by the Governor.

21 (d) The Legislature shall not present to the Governor any bill  
22 passed in a budget session or general session after November 15.

23 (e) The Governor may reduce or eliminate one or more items  
24 of appropriation while approving other portions of a bill. The  
25 Governor shall append to the bill a statement of the items reduced  
26 or eliminated with the reasons for the action. The Governor shall  
27 transmit to the house originating the bill a copy of the statement  
28 and reasons. Items reduced or eliminated shall be separately  
29 reconsidered and may be passed over the Governor's veto in the  
30 same manner as bills.

31 (f) (1) If, following the enactment of a budget bill for 2013–14  
32 fiscal year or any subsequent fiscal year, the Governor determines  
33 that, for that fiscal year, General Fund revenues will decline  
34 substantially below the estimate of General Fund revenues upon  
35 which the budget bill for that fiscal year, as enacted, was based,  
36 or General Fund expenditures will increase substantially above  
37 that estimate of General Fund revenues, or both, the Governor may  
38 issue a proclamation declaring a fiscal emergency and shall  
39 thereupon cause the Legislature to assemble in special session for  
40 this purpose. The proclamation shall identify the nature of the

1 fiscal emergency and shall be submitted by the Governor to the  
2 Legislature, accompanied by proposed legislation to address the  
3 fiscal emergency.

4 (2) If the Legislature fails to pass and send to the Governor a  
5 bill or bills to address the fiscal emergency by the 45th day  
6 following the issuance of the proclamation, the Legislature may  
7 not act on any other bill, nor may the Legislature adjourn for a  
8 joint recess, until that bill or those bills have been passed and sent  
9 to the Governor.

10 (3) A bill addressing the fiscal emergency declared pursuant to  
11 this subdivision shall contain a statement to that effect.

12 Seventh—That Section 12 of Article IV thereof is amended to  
13 read:

14 SEC. 12. (a) Within the first 10 days of each calendar year,  
15 the Governor shall submit to the Legislature, with an explanatory  
16 message, a budget for the ensuing fiscal year containing itemized  
17 statements for recommended state expenditures and estimated state  
18 revenues. If recommended expenditures exceed estimated revenues,  
19 the Governor shall recommend the sources from which the  
20 additional revenues should be provided.

21 (b) The Governor and the Governor-elect may require a state  
22 agency, officer, or employee to furnish whatever information is  
23 deemed necessary to prepare the budget.

24 (c) (1) The budget shall be accompanied by a budget bill  
25 itemizing recommended expenditures.

26 (2) The budget bill shall be introduced immediately in each  
27 house by the persons chairing the committees that consider the  
28 budget.

29 (3) The Legislature shall pass the budget bill by midnight on  
30 June 15 of each year.

31 (4) Until the budget bill has been enacted, the Legislature shall  
32 not send to the Governor for consideration any bill appropriating  
33 funds for expenditure during the fiscal year for which the budget  
34 bill is to be enacted, except emergency bills recommended by the  
35 Governor or appropriations for the salaries and expenses of the  
36 Legislature.

37 (d) No bill except the budget bill may contain more than one  
38 item of appropriation, and that for one certain, expressed purpose.  
39 Appropriations from the General Fund of the State, except  
40 appropriations for the public schools and appropriations in the

1 budget bill and in other bills providing for appropriations related  
2 to the budget bill, are void unless passed in each house by rollcall  
3 vote entered in the journal, two-thirds of the membership  
4 concurring.

5 (e) (1) Notwithstanding any other provision of law or of this  
6 Constitution, the budget bill and other bills providing for  
7 appropriations related to the budget bill may be passed in each  
8 house by rollcall vote entered in the journal, a majority of the  
9 membership concurring, to take effect immediately upon being  
10 signed by the Governor or upon a date specified in the legislation.  
11 Nothing in this subdivision shall affect the vote requirement for  
12 appropriations for the public schools contained in subdivision (d)  
13 of this section and in subdivision (b) of Section 8 of this article.

14 (2) For purposes of this section, “other bills providing for  
15 appropriations related to the budget bill” shall consist only of bills  
16 identified as related to the budget in the budget bill passed by the  
17 Legislature.

18 (f) The Legislature may control the submission, approval, and  
19 enforcement of budgets and the filing of claims for all state  
20 agencies.

21 (g) For the 2004–05, 2005–06, 2006–07, 2007–08, 2008–09,  
22 2009–10, 2010–11, 2011–12, and 2012–13 fiscal years, the  
23 Legislature may not send to the Governor for consideration, nor  
24 may the Governor sign into law, a budget bill that would  
25 appropriate from the General Fund, for that fiscal year, a total  
26 amount that, when combined with all appropriations from the  
27 General Fund for that fiscal year made as of the date of the budget  
28 bill’s passage, and the amount of any General Fund moneys  
29 transferred to the Budget Stabilization Account for that fiscal year  
30 pursuant to Section 20 of Article XVI, exceeds General Fund  
31 revenues for that fiscal year estimated as of the date of the budget  
32 bill’s passage. That estimate of General Fund revenues shall be  
33 set forth in the budget bill passed by the Legislature.

34 (h) Notwithstanding any other provision of law or of this  
35 Constitution, including subdivision (c) of this section, Section 4  
36 of this article, and Sections 4 and 8 of Article III, in any year in  
37 which the budget bill is not passed by the Legislature by midnight  
38 on June 15, there shall be no appropriation from the current budget  
39 or future budget to pay any salary or reimbursement for travel or  
40 living expenses for Members of the Legislature during any regular

1 or special session for the period from midnight on June 15 until  
2 the day that the budget bill is presented to the Governor. No salary  
3 or reimbursement for travel or living expenses forfeited pursuant  
4 to this subdivision shall be paid retroactively.

5 (i) This section does not apply to the budget or budget bill for  
6 any fiscal period commencing on or after July 1, 2013. This section  
7 shall remain in effect until July 1, 2013, and as of that date is  
8 repealed. Section 12 of Article IV, as added by the measure that  
9 added this subdivision, shall apply to the budget and budget bill  
10 for fiscal periods commencing on or after July 1, 2013.

11 Eighth—That Section 12 is added to Article IV thereof, to read:

12 SEC. 12. (a) Within the first 10 days of each odd-numbered  
13 calendar year, the Governor shall submit to the Legislature, with  
14 an explanatory message, a separate budget for each of the two  
15 subsequent fiscal years thereafter commencing on July 1,  
16 containing itemized statements for recommended state expenditures  
17 and estimated state revenues. If recommended expenditures exceed  
18 estimated revenues, the Governor shall recommend the sources  
19 from which the additional revenues should be provided.

20 (b) The Governor and the Governor-elect may require a state  
21 agency, officer, or employee to furnish any information that is  
22 deemed necessary to prepare each budget.

23 (c) (1) Each budget shall be accompanied by a budget bill  
24 itemizing recommended expenditures for the applicable fiscal year.

25 (2) The budget bills shall be introduced immediately in each  
26 house by the persons chairing the committees that consider the  
27 budget.

28 (3) The Legislature shall pass the budget bills by midnight on  
29 June 15 of the odd-numbered calendar year.

30 (4) Until the budget bills are enacted, the Legislature shall not  
31 send to the Governor for consideration any bill appropriating funds  
32 for expenditure during either of the two subsequent fiscal years  
33 for which the budget bills are to be enacted, except emergency  
34 bills recommended by the Governor or appropriations for the  
35 salaries and expenses of the Legislature.

36 (d) No bill except a budget bill may contain more than one item  
37 of appropriation, and that for one certain, expressed purpose.  
38 Appropriations from the General Fund of the State, except  
39 appropriations for the public schools and appropriations in the  
40 budget bill and in other bills providing for appropriations related

1 to the budget bill, are void unless passed in each house by rollcall  
2 vote entered in the journal, two-thirds of the membership  
3 concurring.

4 (e) (1) Notwithstanding any other provision of law or of this  
5 Constitution, the budget bill and other bills providing for  
6 appropriations related to the budget bill may be passed in each  
7 house by rollcall vote entered in the journal, a majority of the  
8 membership concurring, to take effect immediately upon being  
9 signed by the Governor or upon a date specified in the legislation.  
10 Nothing in this subdivision shall affect the vote requirement for  
11 appropriations for the public schools contained in subdivision (d)  
12 of this section and in subdivision (b) of Section 8 of this article.

13 (2) For purposes of this section, “other bills providing for  
14 appropriations related to the budget bill” shall consist only of bills  
15 identified as related to the budget in the budget bill passed by the  
16 Legislature.

17 (f) The Legislature may control the submission, approval, and  
18 enforcement of budgets and the filing of claims for all state  
19 agencies.

20 (g) For the fiscal year beginning July 1, 2013, and every July 1  
21 thereafter, the Legislature shall not send to the Governor for  
22 consideration, nor may the Governor sign into law, a budget bill  
23 that would appropriate from the General Fund, for that fiscal year,  
24 a total amount that, when combined with all appropriations from  
25 the General Fund for that fiscal year made as of the date of the  
26 budget bill’s passage and with the amount of any General Fund  
27 moneys transferred to the Budget Stabilization Account for that  
28 fiscal year pursuant to Section 20 of Article XVI, exceeds General  
29 Fund revenues for that fiscal year estimated as of the date of the  
30 budget bill’s passage. That estimate of General Fund revenues  
31 shall be set forth in the budget bill passed by the Legislature.